

Aaron M. Waite, Esq.
Utah Bar No. 8992
THE COOPER CASTLE LAW FIRM
678 Vine Street, Unit 10
Murray, UT 84107
Telephone: (808)302-5486 Ext. 4190
Facsimile: (801)263-7856
Email: awaite@ccfirm.com
Loan No. 2584662 / Our File No. 10-01-1169-UT

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Attorney for Secured Creditor Universal Mortgage Corporation

UNITED STATES BANKRUPTCY COURT
DISTRICT OF UTAH

In re:

SCOTT FRANCIS AND
PENNY FRANCIS

Debtor(s)

Universal Mortgage Corporation

Movant(s)

v.

Scott Francis and Penny Francis, Debtor(s)
Kevin R. Anderson, Trustee,

Respondant(s)

CHAPTER 13

BANKRUPTCY NO.: 09-33719

**OBJECTIONS TO CONFIRMATION OF PROPOSED CHAPTER 13 PLAN
WITH CERTIFICATE OF SERVICE**

Universal Mortgage Corporation is a Secured Creditor in the above-entitled bankruptcy proceeding and hereby submits the following Objections to the Confirmation of that certain Chapter 13 Plan proposed by Debtors.

1. This objecting Creditor holds a security interest in the form of a 1st deed of trust on the property located at 2300 North 4575 West, Plain City UT 84404.

2. As of the filing date of the instant bankruptcy petition on December 9, 2009, the amount in default pre-petition was \$4,559.11; representing four (4) monthly payments, late charges, NSF charges (if any); advances for taxes and insurance (if any); and any foreclosure or Trustee's fees accrued with respect to the default.

3. The correct amount of interest as designated by the contract between the Debtor and Creditor is 5.5000%.

4. The plan does not currently set forth the accurate amount for plan payment and does not propose to pay the arrearages to Universal Mortgage Corporation in a reasonable manner.

5. The Debtors are currently in contravention of 11 U.S.C. § 1322(b)(5) and the plan should not be confirmed as proposed.

Any plan proposed by the Debtors must accommodate the accurate pre-petition arrearages as reflected above in order to be reasonable and correct. Additionally, any plan proposed by the Debtor should provide that payments to Universal Mortgage Corporation begin as expediently as possible and that the pre-petition arrearages be paid in their entirety prior to the expiration of sixty months.

WHEREFORE, Secured Creditor prays as follows:

(1) That confirmation of the proposed Chapter 13 plan be denied unless accommodation of the above-referenced numbers can be accommodated;

(2) For attorneys fees and costs incurred herein;

(3) For dismissal of the Chapter 13 proceeding;

(4) For any and all other relief that this Court deems appropriate.

/s/ Aaron M. Waite

Aaron M. Waite, Esquire

Utah Bar No. 8992

678 Vine Street, Unit 10

Murray, UT 84107

Attorneys for Secured Creditor

Universal Mortgage Corporation

CERTIFICATE OF SERVICE

The undersigned hereby declares and certifies that on February 12, 2010, a copy of the Secured Creditors OBJECTIONS TO CONFIRMATION OF PROPOSED CHAPTER 13 PLAN WITH CERTIFICATE OF SERVICE was served on the parties through the following means:

Electronically mailed to:

COUNSEL FOR DEBTOR(S)
E. Kent Winward, Esq.
thebankruptcyfirm@yahoo.com

Depositing a copy in the United States Mail, postage prepaid and addressed to:

Scott Francis
Penny Francis
2300 North 4575 West
Ogden, UT 84404

Scott Francis
Penny Francis
2300 North 4575 West
Plain City, UT 84404

Kevin Anderson
405 South Main Street
Suite 600
Salt Lake City, UT 84111

I declare under penalty of perjury that the foregoing is true and correct.


An employee of THE COOPER CASTLE LAW FIRM